

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application.

Applicants respectfully request indication on the supplemental IDS, filed January 10, 2006, that the Lenchik et al. (WO 01/84269) has been considered by the Examiner.

Claims 1–3, and 5 stand rejected under 35 U.S.C. 103(a) as being anticipated by Shibata et al. (U.S. Pub. No. 2001/004269 A1) in view of Lenchik et al. (WO 01/84269). For at least the following reasons, the Examiner's rejection is respectfully traversed.

None of the references disclose or suggest "in a state when said position detecting section detects that said first and second housing are initially unfolded at an angle of at least about 90°, an operation of said first image pick-up section is started" as recited in claim 1.

The Office Action, 01/24/2006 on page 2, states that Shibata does not explicitly disclose starting operation of the first camera.

Shibata does explicitly disclose when the first photographic lens may be started, but Shibata does not disclose or suggest that the first photographic lens is started when the first and second housing are initially unfolded at an angle of at least about 90°. In paragraph 0246 and steps 1408–1409 on Fig. 14, Shibata discloses that when the opening/shutting axis angle is 90° and the rotation axis is rotated at 90°, the axial unit state sensor 55 detects that the two photographic lenses 33, 23 are directed in the inverse direction for one of the functions of a TV telephone, a digital video camera, or a digital still camera (paragraph 0246; steps 1408–1409 on Fig. 14). Which of these Shibata functions is to be executed may be decided by a user's operation or a predetermined initial setting (Paragraph 0246). Therefore, Shibata fails to disclose or suggest when the axial unit state sensor detects the main unit and flip unit are initially

unfolded, an operation of the first photographic lens is started. Thus, Shibata does not disclose or teach all the elements of the claimed invention.

Lenchik does not overcome the deficiencies of the Shibata reference. Lenchik merely discloses that an operational mode of the communication device 100 and input/output devices of the device, such as a camera, may be based on the relative position of a first electronic element 104 relative to a second electronic element 106 (page 4, lines 1–6; page 7, lines 13–18). Therefore, Lenchik fails to disclose or suggest when a position detecting section detects that a first and second housing are initially unfolded, an operation of a first image pick-up section is started. Thus, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

With regards to claim 3, none of the references disclose or suggest “in a state where said first and second housings are unfolded and said first image pick-up section is operating, when said position detecting section detects that the first housing is turned at an angle of at least about 90° to said second housing, the operation of said first image pick-up section is stopped and an operation of said second image pick-up section is started” as recited in claim 3.

As mentioned previously for claim 1, Shibata fails to disclose or teach when the axial unit state sensor detects that the main unit and flip unit are initially unfolded, an operation of the first photographic lens is started. Since the Shibata first photographic lens is not operating when the main unit and flip unit are unfolded, the operation of the Shibata first photographic lens is not *stopped* prior to starting an operation of the second photographic lens. Therefore, Shibata fails to disclose or teach in a state where the first and second housings are unfolded and the first image pick-up section is operating, when the position detecting section detects that the first housing is turned at an angle of about 90° to the second housing, the operation of the first image pick-up

section is stopped and an operation of the second image pick-up section is started. Thus, Shibata does not disclose or suggest all the elements of the claimed invention.

Lenchik does not overcome the deficiencies of the Shibata reference. Lenchik merely discloses that an operational mode of the communication device and input/output devices of the device, such as a camera, may be based on the relative position of a first electronic element relative to a second electronic element (page 4, lines 1–6; page 7, lines 13–18). Therefore, Lenchik fails to disclose or suggest in a state where first and second housings are unfolded and a first image pick-up section is operating, when the position detecting section detects that the first housing is turned at an angle of about  $90^\circ$  to the second housing, the operation of the first image pick-up section is stopped and an operation of a second image pick-up section is started. Thus, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

With regard to claim 5, none of the references disclose or suggest “in a state where said first and second housings are unfolded at an angle of about  $90^\circ$ , said first housing is turned at an angle of about  $90^\circ$  to the second housing, and said second image pick-up section is operating, when said position detecting section detects that said first and second housings are changing in a direction to be unfolded, an operation of said second image pick-up section is stopped and the operation of said first image pick-up section is started” as recited in claim 5.

As mentioned previously, Shibata discloses when the opening/shutting axis angle is  $90^\circ$  and the rotation axis is rotated at  $90^\circ$ , the axial unit state sensor detects that the two photographic lenses are directed in the inverse direction for one of the functions of a TV telephone, a digital video camera, or a digital still camera (Paragraph 0246; Steps 1408–1409 on Fig. 14). However, Shibata does not teach that the second photographic lens is *stopped* and the operation of the first photographic lens is *started*, when the axial unit state sensor detects that the main unit and flip

unit are changing in a direction to be unfolded. Therefore, Shibata does not disclose or suggest all the elements of the claimed invention.

Lenchik does not overcome the deficiencies of the Shibata reference. Lenchik merely discloses that an operational mode of the communication device and input/output devices of the device, such as a camera, may be based on the relative position of a first electronic element relative to a second electronic element (page 4, lines 1–6; page 7, lines 13–18). Therefore, Lenchik fails to disclose or suggest that in a state where first and second housings are unfolded at an angle of about 90°, the first housing is turned at an angle of about 90° to the second housing, and a second image pick-up section is operating, when the position detecting section detects that the first and second housings are changing in a direction to be unfolded, an operation of the second image pick-up section is stopped and the operation of a first image pick-up section is started. Thus, even if combined, the references do not disclose or suggest all the elements of the claimed invention.

Furthermore, there is no suggestion or motivation for one skilled in the art at the time the invention was made to combine Lenchik with Shibata to arrive at the claimed invention.

Shibata only discloses that the portable device uses the first and second photographic lenses during the function a TV telephone, a digital camera, and a digital video camera, which occurs when the axial unit state sensor detects the opening/shutting axis angle is 90° and the rotation axis is rotated at 90° (paragraphs 0246–0249). Lenchik merely discloses that an operational mode of the communication device and input/output devices of the device, such as a camera, is based on the relative position of a first electronic element relative to a second electronic element (page 4, lines 1–6; page 7, lines 13–18).

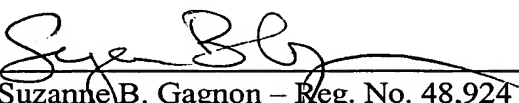
There is no suggest or motivation in Shibata to use the first photographic lens or second photographic lens in any other positions. Since Lenchik, which has a single camera, does not

disclose or suggest the positions in which the camera is used, there is no motivation to look at or use the Lenchik reference to modify the position and operational elements of the Shibata photographic lenses. One skilled in the art would not have combined these references at the relevant time to arrive at the claimed invention. Reconsideration and withdrawal of the rejection based upon the combination of references is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 36193.

Respectfully submitted,  
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